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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/807,011  | 06/29/2001  | Philippe Letellier   | PF980068            | 8360             |
| 7590  | 11/05/2003  |                      | EXAMINER            |                  |
| Joseph S Tripoli<br>Thomson Multimedia Licensing Inc<br>CN 5312<br>Princeton, NJ 08543-0028 |             |                      | NGUYEN, LOAN B      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2126                |                  |
| DATE MAILED: 11/05/2003   |             |                      |                     |                  |

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Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/807,011             | LETELLIER ET AL.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Loan B Nguyen          | 2126                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 June 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1-9 are presented for examination.

### ***Claim Objections***

2. Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 7. See MPEP § 608.01(n). Accordingly, the claim 8 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Xue et al. (6061655) (hereinafter Xue et al.).

5. As per claim 1, Xue et al. teaches a device for managing an application composed of instructions executable by an execution system, said execution system communicating with an

operating system so as to access the resources of the device, wherein the device comprises an applications management module which can execute at least one management instruction set, said management instructions modifying via functions the running of an application executed by the operating system and/or the execution system, the execution of a management instruction being initiated upon a change of state of the application and/or upon an event external to the device, said external event preferably being a user command or the reception of new data (e.g. col. 4 line 1-9).

6. As per claim 3, Xue et al. teaches the device for managing an application as claimed in claim 1, wherein it comprises a means for loading the management instruction set from a source of management instructions to the applications manager (e.g. col. 5 line 48-67 and col. 6 line 1-9).

7. As per claim 7 is rejected for similar reasons as stated above.

8. As per claim 4, Xue et al. teaches the device for managing an application as claimed in claim 3, wherein the source of management instructions is the application (e.g. col. 10 line 64-67 and col. 11 line 1-24).

9. As per claim 5, Xue et al. teaches the device for managing an application as claimed in claim 3, wherein the source of management instructions is the user interface (e.g. col. 7 line 36-63).

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10. As per claim 6, Xue et al. teaches the device for managing an application according to claim 3, wherein the device possesses a standard management instruction set in memory (e.g. col. 6 line 29-58).

11. As per claim 8, Xue et al. teaches the device for managing an application as claimed in any one of the preceding claims, wherein binary priority indicators are associated with the management instructions, the applications management module executing first management instructions whose priority is the highest (e.g. col. 14 line 9-16).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xue et al. (6061655) (hereinafter Xue et al.) in view of Zenda (5809245) (hereinafter Zenda).

14. As per claim 2, Xue et al. does not specifically teach the device for managing an application as claimed in claim 1, wherein the functions of the management instructions cannot be executed by the operating system or the execution system.

Zenda teaches the device for managing an application as claimed in claim 1, wherein the functions of the management instructions cannot be executed by the operating system or the execution system (e.g. col. 7 line 33-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Xue et al. with Zenda because it would accomplish to transfer digital audio data from the MPEG2 decoder to perform input/output using audio or video bus instead of from the system bus. Zenda's teaching is also benefit for high speed of digital audio data.

15. As per claim 7 is rejected for similar reasons as stated above.

16. As per claim 9 is rejected for similar reasons as stated above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loan B. Nguyen whose telephone number is (703) 305-0358. The examiner can normally be reached on 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Loan B. Nguyen

October 29, 2003



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100